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May 12, 2022

VIA ECF

The Honorable Katherine Polk Failla, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

MEMO ENDORSED

Re: *Giannone v. The Real Real, Inc.*
Case No. 1:22-cv-01941-KPF-VF

Dear Judge Failla:

We represent Defendant The Real Real, Inc. in this case. We write, pursuant to Rule 2.D. of Your Honor's Individual Rules of Practice in Civil Cases and with Plaintiff's consent, to respectfully request an extension of time for The Real Real, Inc. to answer, move, or otherwise respond to the Complaint and for an adjournment of the Initial Pretrial Conference.

As for the extension of time to respond to the Complaint, as the Court is aware, Christopher Coyne, an attorney of record for Defendant herein, recently left our firm. Yesterday, we filed a proposed Order for withdrawal of Mr. Coyne (ECF Doc. 9), which the Court endorsed earlier today (ECF Doc. 10). As a result, we will need some additional time to prepare Defendant's response to the Complaint. We respectfully request a short 2-week extension of time from May 16, 2022 to May 31, 2022.

As for the Initial Pretrial Conference, which the Court noticed yesterday for May 25, 2022 at 12:00 pm, I have a conflict in that I was previously scheduled to be actually engaged in-person before The Honorable Robin K. Sheares, J.S.C., Supreme Court of the State of New York, County of Kings, in the action *Dispinseri v. 155-24th Street, Jackson Heights, Inc.*; Index Number 519582/2018. In any event, Defendant would request that the Initial Pretrial Conference be adjourned to a date after the requested extended deadline for Defendant to respond to the Complaint. In communicating their consent to this request, Plaintiff's counsel informed us that they would not be available the week of June 5, 2022 or on June 13, 2022 for the rescheduled Initial Pretrial Conference.

This represents Defendant's first request for an extension of its time to respond to the Complaint and first request for an adjournment of the Initial Pretrial Conference. Defendant's requested extension and requested adjournment would not affect any other scheduled date.

Hon. Katherine Polk Failla, U.S.D.J.
U.S. District Court, S.D.N.Y.
May 12, 2022
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We appreciate the Court's attention to this matter and are available at the Court's convenience should it have any questions.

Respectfully Submitted,

GORDON REES
SCULLY MANSUKHANI, LLP

/s/ David J. Grech

David J. Grech

To: All counsel of record (via ECF)
Cc: Chambers (via email)

Application GRANTED. Defendant shall file its response to the complaint on or before **May 31, 2022**. Additionally, the initial pretrial conference in this matter is hereby ADJOURNED to **July 20, 2022, at 10:30 a.m.** The Court expects that this case will be automatically referred to the Southern District's Alternative Dispute Resolution program of mediation upon the filing of Defendant's answer. If, however, Defendant files a pre-motion letter rather than an answer, the Court will convert the initial pretrial conference to a pre-motion conference.

The Clerk of Court is directed to terminate the motion at docket entry 11.

Dated: May 16, 2022
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE